

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

CIVIL MINUTES - GENERAL

Phoenix Division

CIV 11-1387-PHX-DKD DATE: 11/28/2011

Title: Doe, et al. vs. Apache Junction Unified School District, et al.  
Plaintiffs Defendants

HON: David K. Duncan Judge # 70BL/DKD

M. Morgan Courtsmart  
Deputy Clerk Recorded

**APPEARANCES:**

Jared Everton for Plaintiffs  
David Pauole for Defendants Apache Junction Unified School District and James Denton  
Jonathan Krieger, Pro Se, appearing telephonically

PROCEEDINGS: X Open Court Chambers Other

This is the time set for a Motion Hearing regarding Defendants' [6] Motion to Dismiss and Defendants' [13] Motion to Strike Declaration.

After hearing from Counsel for Defendants, for reasons stated on the record, Defendants' [13] Motion to Strike Declaration is DENIED. Further, Defendants' [6] Motion to Dismiss is GRANTED in part and DENIED in part. The Motion to Dismiss the Parents' State Law Claims as time barred under A.R.S. § 12-821 is DENIED. The Motion to Dismiss the punitive damages claims is DENIED as to the 1983 claim and GRANTED on all other punitive damages claims. Plaintiffs concede that their state law claims against Defendant Denton are barred due to their failure to file a notice of claim.

As to the matter of case management, the parties are directed to meet and confer regarding the case management deadlines and submit a Proposed Case Management Order by the end of the week. Defendant Kreiger advises the Court that he will stipulate to any deadlines agreed upon by Counsel for the School District and Mr. Denton. Further, Counsel for Plaintiffs is to file a Notice with the Court by the end of the week regarding how to proceed against Defendant Jane Doe Denton. The Court further sets a deadline of 30 days for additional parties to be named.

LATER: The Court notes the filing today of Plaintiffs' Notice of Filing Proof of Service on Carol Denton. The parties are directed to meet and confer regarding how best to proceed with respect to this served but non-appearing defendant and to address this issue, whether by stipulation or otherwise, in the Proposed Case Management Order.

Time in Court: 42 min